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SCHEDULES

SCHEDULE 1

Section 16.

GENERAL TERMS OF HOUSEBOAT CERTIFICATES

PART I

INTRODUCTORY

Interpretation

- 1 In this Schedule—
- “the certificate” means the certificate relating to any houseboat;
 - “the holder” means the person named in a certificate as the person having control of the houseboat specified in the certificate or the assignee or personal representative (within the meaning of section 55 of the Administration of Estates Act 1925) of the person so named;
 - “the houseboat” means the houseboat named or otherwise identified in the certificate;
 - “local authority” has the meaning given by section 270 of the Local Government Act 1972 or, in relation to Scotland, section 235 of the Local Government (Scotland) Act 1973;
 - “moor” includes place, keep or maintain and “moored” shall be construed accordingly; and
 - “the site” means the mooring or other location specified in the certificate.

Application

- 2 (1) Part II of this Schedule applies where—
- (a) the Board own an interest in, or rights over, the site; and
 - (b) the site is managed by the Board or their agent.
- (2) Part III of this Schedule applies to all certificates.

PART II

TERMS APPLICABLE TO SITES CONTROLLED BY BOARD

right to moor houseboat

- 3 Subject to the following provisions of this Schedule the holder shall have the right to moor the houseboat at the site throughout the period of validity of the certificate.

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Qualification of right to moor

- 4 (1) If the interest of the Board in the site is insufficient to enable them to grant the right to moor the houseboat there for an indefinite period, the period for which that right subsists shall not extend beyond the date when the estate or interest of the Board determines.
- (2) If planning permission for the use of the site as a mooring has been granted in terms such that it will expire at the end of a specified period, the period for which the right to moor the houseboat at the site subsists shall not extend beyond the date when the planning permission expires.
- (3) Paragraph 3 above shall not prejudice or affect the right of the Board to move or to require the removal of the houseboat under section 19 (Removal of vessels to permit works, etc.) of this Act or any other powers available to the Board but, if they so move or require the removal of the houseboat during the period of validity of the certificate, the Board (unless they would be entitled under paragraph 6 below to determine the certificate) shall make available for it a suitable mooring or other location (which shall be broadly comparable to the site) situated as near as is practicable to the site, and shall permit the houseboat to be replaced at the site as soon as practicable after the circumstances necessitating the removal have ceased to apply.
- (4) Any costs and expenses occasioned by the removal and replacement of a houseboat under sub-paragraph (3) above shall be paid by the Board.

Assignment of certificate

- 5 The holder shall be entitled to assign the certificate to a person (being aged 18 or over) approved by the Board whose approval shall not be unreasonably withheld.

PART III

TERMS APPLICABLE TO ALL CERTIFICATES

determination of certificate

- 6 (1) The certificate shall remain in force for the period or until the date specified therein unless—
- (a) the certificate is surrendered pursuant to paragraph 8 below; or
 - (b) the certificate is withdrawn pursuant to section 17 (Conditions as to certificates and licences) of this Act; or
 - (c) the holder's interest in or other right to moor at the site (otherwise than by virtue of the certificate) ends; or
 - (d) the certificate is determined in accordance with sub-paragraphs (2) and (3) below.
- (2) If the holder has contravened or failed to comply with any of the terms or conditions applicable to the certificate the Board may give notice requiring the holder to take or refrain from taking such action as may be necessary to remedy the contravention or non-compliance, as the case may be, within such time as may be reasonable (not being less than 28 days).

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- (3) If the holder does not comply with any notice served pursuant to sub-paragraph (2) above the certificate shall determine on the date on which the notice expires.

Houseboat not to be moored otherwise than in accordance with certificate

- 7 The holder shall not without the consent in writing of the Board moor the houseboat otherwise than at the site except where paragraph 15 below has effect.

Surrender of certificate by holder

- 8 The holder shall be entitled to surrender the certificate by notice in writing given to the Board not less than four weeks before the date on which the notice is to take effect.

Recovery of overpayments by holder

- 9 Where the certificate is surrendered in accordance with paragraph 8 above, the holder shall be entitled to recover from the Board so much of any payment made by him in pursuance of the certificate as is attributable to a period beginning after the termination.

Display of certificate

- 10 The certificate shall be displayed on the houseboat so as to be clearly visible from the outside of the houseboat at all times.

Holder to comply with planning law, etc.

- 11 The holder of a certificate shall comply in all respects with the terms of any planning permission given in relation to the houseboat and with any other enactment or byelaw in force applying to houseboats within the area in which it is moored.

Requirements of local authorities

- 12 The holder shall comply with the requirements of any notice served by a local authority in respect of the houseboat, and shall also comply with any limitation as to the number of persons permitted to sleep on board which may be imposed by the local authority for the area where the site is located.

Sanitary appliances

- 13 (1) The holder shall ensure that no sanitary appliance which in the normal course of operation discharges, or can discharge, polluting matter into any inland waterway is used on the houseboat.
- (2) The expression “polluting matter” does not include waste discharged from a sink, wash basin, bath or shower.

Sewage disposal

- 14 The holder shall ensure that there are available for the use of the occupants of the houseboat means for disposing of sewage arising from the occupation of the boat which are satisfactory to—

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- (a) the Board;
- (b) in England and Wales, the National Rivers Authority;
- (c) in Scotland, the river purification authority for the area where the site is located; and
- (d) the local authorities for the area in which the site is located.

Movement of houseboat

- 15 (1) The houseboat may be moved from place to place but while being so moved may not be navigated for hire.
- (2) While the houseboat is in the course of being moved the certificate shall be deemed to be—
- (i) a pleasure boat certificate for the purposes of Part II of the Act of 1971, where the houseboat is on a river waterway within the meaning of section 4 (Extent of Part II) of that Act; or
 - (ii) a pleasure boat licence issued by the Board, when the houseboat is on any other inland waterway;
- and its use at such times shall be subject to any conditions for the time being in force for the control of pleasure boats and the holder shall comply with any requirements made by or under any enactment applicable to pleasure boats.

SCHEDULE 2

Section 17.

PART I

INSURANCE POLICIES AS TO VESSELS

- 1 An insurance policy must be issued by an insurer authorised under the Insurance Companies Act 1982 to carry on in Great Britain or in Northern Ireland insurance business of a relevant class or who has corresponding permission under the law of another member state of the European Community.
- 2 The policy must insure the owner of the vessel and such other person, persons or classes of persons (if any) as is or as are authorised by the owner to have control of the vessel, in respect of any liability (other than a liability specified in paragraph 3 below) which may be incurred by the owner or any such other person resulting from the presence of the vessel on any inland waterway in respect of the death of or bodily injury to any person or any damage to property.
- 3 The policy shall not by virtue of this Act be required—
- (a) to cover liability in respect of the death, arising out of and in the course of his employment, of a person in the employment of a person insured by the policy or of bodily injury sustained by such a person arising out of and in the course of his employment;
 - (b) to cover liability in respect of damage to the vessel to which the policy relates;
 - (c) to cover liability in respect of goods carried on or in the vessel to which the policy relates, or any vessel drawn or propelled by such vessel;

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- (d) to cover any liability of a person in respect of damage to property in his custody or under his control;
- (e) to cover any contractual liability; or
- (f) to provide cover in respect of any one accident for a sum in excess of such sum as may for the time being be prescribed by the Board for the purposes of this paragraph.

PART II

STANDARDS FOR CONSTRUCTION AND EQUIPMENT OF VESSELS

- 1 For the purposes of section 17 (Conditions as to certificates and licences) of this Act the Board may from time to time prescribe standards for the construction of vessels to be used on inland waterways, and standards for any appliances, fittings or equipment in such vessels and for making provision with regard to the use and operation of such appliances, fittings and equipment with a view to securing the safety of passengers in such vessels and of other vessels or persons on the inland waterway, and the prevention of pollution, noise and interference with the operation of radio or television equipment.
- 2 Different standards may be prescribed under section 17 of this Act and this Part of this Schedule in relation to different categories of vessels, and in relation to different inland waterways or parts thereof.
- 3 The Board may from time to time revoke or amend any standards prescribed under section 17 of this Act and this Part of this Schedule.
- 4 References in this Part of this Schedule to proposed standards are to standards as proposed to be prescribed, revoked or amended under section 17 of this Act and this Part of this Schedule.
- 5 Without prejudice to the generality of paragraph 1 above, standards prescribed under section 17 of this Act and this Part of this Schedule may make provision—
 - (a) with regard to the construction, maintenance and operation of engines used for the propulsion of powered boats and to the storage and supply of fuel for such engines;
 - (b) requiring the provision of sufficient and effective fire extinguishers;
 - (c) regulating appliances for cooking, heating, lighting or refrigeration and the storage and supply of fuel for such appliances.
- 6 Before prescribing, revoking or amending standards under section 17 of this Act and this Part of this Schedule the Board shall—
 - (a) have regard to the requirements of the byelaws of any inland navigation undertakers whose waterways are contiguous with those of the Board where those byelaws deal with the subject matter of the proposed standards;
 - (b) take such steps as appear to the Board to be appropriate to bring the proposed standards to the attention of builders, owners and operators of vessels who are likely to be affected by them, and thereafter consider any representations made by any such persons with regard to the proposed standards;
 - (c) consult the Inland Waterways Amenity Advisory Council; and

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- (d) consult such organisations as represent a substantial number of builders, owners and operators of vessels who may be affected by the proposed standards.
- 7 (1) Following the taking of the steps and the completion of the consultation required by paragraph 6 above, the Board shall—
- (a) give notice to the Inland Waterways Amenity Advisory Council, and to such other organisations as were so consulted, of the date (“the prescribed date”) upon which the proposed standards are to be prescribed, revoked or amended; and
 - (b) take such steps as appear to the Board to be appropriate to bring the proposed standards and the prescribed date to the attention of the builders, owners and operators of vessels who are likely to be affected by the standards;
- unless the Board decide not to prescribe, revoke or amend the standards, in which case they shall give notice of their decision to the Inland Waterways Amenity Advisory Council and to the organisations which were so consulted.
- (2) The prescribed date shall not be less than 84 days after the date of the giving of the notices and the taking of the steps required by sub-paragraph (1) above unless it is necessary to prescribe, revoke or amend the standards immediately after the completion of the consultation so as to avoid any serious risk of danger to persons or property.
- 8 The Board shall have regard to any advice given to them by the Inland Waterways Amenity Advisory Council as regards the nature of the steps to be taken in accordance with sub-paragraph (b) of paragraph 6 above and with sub-paragraph (1) (b) of paragraph 7 above.
- 9 The Inland Waterways Amenity Advisory Council shall maintain a list of organisations which claim to represent substantial numbers of builders, owners and operators of vessels who may be affected by any proposed standards and which should thus be consulted by the Board in accordance with the duty imposed on them by sub-paragraph (d) of paragraph 6 above; and the Board shall be deemed to have complied with that duty if they consult every organisation named in the said list.
- 10 Standards prescribed under section 17 of this Act and this Part of this Schedule shall not apply to a vessel used wholly or mainly for the purpose of the carriage of goods on a commercial waterway while the vessel is on any such waterway.
- 11 The Board may on application by any person or any organisation appearing to the Board to represent a substantial number of owners or operators of such vessels as may be affected by any standards grant exemptions in writing on such conditions (if any) as the Board think fit, from the requirements of any standards in respect of any individual vessel, or any category of vessels, being a vessel or, as the case may be, a category of vessels which cannot reasonably be expected to be altered or adapted or otherwise made to comply therewith, having regard in particular to its or their traditional construction or historical character.
- 12 There shall be a standards appeal panel for the purpose of determining appeals under paragraph 13 below consisting of two persons appointed by the Board and three other persons of whom one each shall be appointed by—
- (a) the Inland Waterways Amenity Advisory Council;
 - (b) in the case of any appeal relating to a narrow boat or other similar vessel normally used on canals, the Inland Waterways Association, and in the case of any other appeal, the Royal Yachting Association; and

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- (c) the British Marine Industries Federation.
- 13 Any dispute as to—
- (a) any refusal or withdrawal by the Board of a relevant consent on the grounds that the vessel does not comply, or has ceased to comply, with the standards applicable to it; or
 - (b) any refusal by the Board of an exemption for which application is made under paragraph 11 above or any condition subject to which an exemption is granted;
- shall be determined by the standards appeal panel constituted under paragraph 12 above whose decision shall be final and binding on the parties.

SCHEDULE 3

REPEALS

Chapter (1)	Title or short title (2)	Extent of repeal (3)
5 & 6 Vict. c. xxiv (1842).	An Act for improving the Navigation of the Severn from the Entrance Lock of the Gloucester and Berkeley Canal, and from the Entrance Lock of the Herefordshire and Gloucestershire Canal, in the County of Gloucester, to Gladder or Whitehouse Brook in the County of Worcester.	Section 147.
1971 c. xviii.	British Waterways Act 1971.	<p>In section 17 (1) to the extent that it applies to the undertaking of the Board in Scotland, the words “and a houseboat certificate”.</p> <p>In section 17 (2) to the extent that it applies to the undertaking of the Board in Scotland, the words “or a houseboat certificate”.</p> <p>In section 19 (1), the words “or a houseboat”, “or a houseboat certificate, as the case may be” and “or houseboat certificate”.</p> <p>In section 19 (2), the words “or houseboat certificate,</p>

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Chapter (1)	Title or short title (2)	Extent of repeal (3)
		as the case may be” and “or houseboat”.
		In section 19 (3), the words “or houseboat, as the case may be”.
1983 c. ii.	British Waterways Act 1983.	Section 3.
